

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CAPITAL SAND COMPANY, INC., and
M/V JAMIE LEIGH, is engines, apparel,
tackle, and appurtenances,**

Defendants.

Case No. 4:03cv662 SNL

ORDER

This matter is before the Court on Plaintiff's Bill of Costs (#70). Plaintiff has filed a Bill of Costs, seeking \$6,091.63. Defendants have objected on the grounds that Plaintiffs' claim of \$2,249.50 for the creation of six mounted photo boards is unnecessary and unreasonable. Plaintiffs have not further replied.

28 U.S.C. § 1920 provides that:

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

28 U.S.C. § 1920 (2003).

Only the costs enumerated in § 1920 may be awarded as taxable costs. Crawford Fitting Co. v. J. T. Gibbons, Inc., 482 U.S. 437, 440-44 (1987). Enlargements are allowed as costs when

the parties agree to use enlarged exhibits at trial. Absent such an agreement, the costs are only taxable if the enlargements were “necessarily obtained for use in the case.” Crues v. KFC Corp., 768 F.2d 230, 234 (8th Cir. 1985). Because both parties used enlargements in their presentations to the Court, that suffices as an agreement to use such exhibits. Therefore the costs are taxable.

However, a cost of \$2,249.50 for six enlarged photographs is excessive. According to the invoice, it cost \$975 to mount the color photos, \$90 for photocopying, \$50 for shipping boxes, \$217.50 for an Art Director, \$112.50 for an InfoDesign Consultant, \$412.50 for Computer Design, and \$392 for overnight shipment. The government cannot incur such excessive charges for such a simple process and expect another party to foot the bill. The Court will allow the government to recoup only \$975 of the charges associated with the photo enlargements.


In light of the foregoing, the Court agrees with defendants that the charges are unreasonable. Defendant is responsible for \$4,817.13 in taxable costs (\$6,091.63 claimed costs minus \$1,274.50 enlargement costs).

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Objections to Plaintiffs’ Bill of Costs (#71) be and hereby are **SUSTAINED**.

IT IS FURTHER ORDERED that Plaintiff’s Bill of Costs is partially **GRANTED** in the amount of \$4,817.13 against Defendants.

Dated this 17th day of October, 2005



SENIOR UNITED STATES DISTRICT JUDGE